

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,

Appellee,

v.

CASE NO.: 22-4689

DIANA TOEBBE,

Appellant.

**APPELLANT'S UNOPPOSED MOTION TO EXTEND TIME TO
FILE JOINT APPENDIX AND OPENING BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b), Appellant Diana Toebbe, by counsel, moves the Court to grant her an additional 31 days to file the Joint Appendix and her opening brief, resulting in a deadline of on or before April 24, 2023. In support of her motion, Mrs. Toebbe states the following:

1. On November 29, 2022, Mrs. Toebbe filed a timely notice of appeal.
2. On January 17, 2023, the Court entered a briefing order.
(Doc # 11).

3. On January 18, 2023, the Government filed a motion to dismiss the appeal and a motion to suspend the briefing order. (Doc # 12-1; 13).

4. On February 16, 2023, Mrs. Toebbe filed a response in opposition to the government's motion to dismiss. (Doc # 22-1).

5. On February 17, 2023, the Court deferred action on the government's motion to dismiss and a briefing order was issued. (Docs # 24, 25). The briefing order requires the Joint Appendix and opening brief be filed on March 24, 2023. (Doc # 25).

6. Additional time is needed for counsel to prepare the Joint Appendix and opening brief based on appellant counsels' travel schedules as well as the need to review and draft information in a Sensitive Compartmented Information Facility (SCIF) for classified filings. With the exception of certain types of filings not applicable to this motion, Federal Rule of Appellate Procedure 26(b) provides that “[f]or good cause, the court may extend the time prescribed by these rules or by its order to perform any act, or may permit an act to be done after that time expires.”

7. For the reasons stated above, Mrs. Toebbe requests that the Court extend the deadline for filing the Joint Appendix and opening brief to on or before April 24, 2023. This 31-day extension is necessary to adequately prepare.

8. The Government does not oppose the extension of time.

Wherefore, the Appellant respectfully requests that the Court extend the deadline for Mrs. Toebbe to file the Joint Appendix and opening brief to on or before April 24, 2023.

APPELLANT
By Counsel

CARMICHAEL ELLIS & BROCK, PLLC

/s/ Jessica Carmichael

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CERTIFICATE OF SERVICE

I, Jessica Carmichael, counsel for the Appellant, Diana Toebbe certify that on March 9, 2023, the **APPELLANT'S UNOPPOSED MOTION TO EXTEND TIME TO FILE JOINT APPENDIX AND OPENING BRIEF** was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Jessica Carmichael
Jessica N. Carmichael